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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FRANCISCO JAVIER GONZALES, JR.  
Defendant.

CASE NO. 2:22-CR-00140-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
AND ORDER  
  
DATE: March 4, 2024  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

1. By previous order, this matter was set for status on March 4, 2024.
2. The parties appeared as scheduled, and requested a trial date of July 23, 2024 at 9:00 a.m. During the status, the parties requested the July trial date due to Defense Counsel's trial schedule in criminal matters in State Court.
3. By this stipulation, parties jointly move to set the trial of this matter for July 23, 2024 at 9:00 a.m. and for a trial confirmation hearing to be set for May 13, 2024 at 9:00 a.m. Additionally, the parties move the Court to exclude time between March 4, 2024, and July 23, 2024, pursuant to the Speedy Trial Act under Local Code T4.
4. The parties agree and stipulate, and request that the Court find the following:
  - a) Defense Counsel desires additional time to review the discovery materials and charges, conduct investigation and research related to the charges, to review and copy the

1 discovery already tendered, to assess the viability of any pretrial motions, and discuss potential  
2 resolutions with his client. Additionally, Defense Counsel is unable to effectively prepare for  
3 trial within the timeframe outlined by the Speedy Trial Act because Defense Counsel has  
4 criminal trials in State Court in timeframe between March 4, 2024 and July 23, 2024. Therefore,  
5 setting the trial within the timeframe allowed by the Speedy Trial Act would deny the defendant  
6 continuity of counsel and a reasonable time necessary for effective preparation.

7 b) The government does not object to the continuance.

8 c) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the dates  
10 prescribed by the Speedy Trial Act.

11 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 *et seq.*, within which trial must commence, the time period of March 4, 2024 to July 23, 2024,  
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
14 because it results from a continuance granted by the Court at defendant's request on the basis of  
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
16 of the public and the defendant in a speedy trial.

17 **[CONTINUED ON NEXT PAGE]**

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 4, 2024

PHILLIP A. TALBERT  
United States Attorney


/s/ ROBERT C. ABENDROTH  
ROBERT C. ABENDROTH  
Assistant United States Attorney

Dated: March 4, 2024

/s/ MARK JOSEPH REICHEL  
MARK JOSEPH REICHEL  
Counsel for Defendant  
FRANCISCO JAVIER GONZALES, Jr.

**ORDER**

IT IS SO FOUND AND ORDERED this 4th day of March, 2024.

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE